

## ATTACHMENT A

### REMARKS

In the Office Action dated September 8, 2004, and in the resent Office Action dated September 24, 2004, claims 1, 2, 4 and 5 have been rejected under 35 USC 103(a) as being unpatentable over Peterson et al. (United States Patent No. 5,421,611) in view of Sombrowski (German Patent No. 3,626,989). This rejection is respectfully traversed.

In rejecting the claims, the Examiner states that, while Peterson et al. discloses a stabilizer brace but fails to disclose an extensible lift, Sombrowski shows an extensible lift 18, 23 "connected between the ground-engaging portion of the stabilizer brace and the distal end of the tracked vehicle." The Examiner concludes as follows:

It would have been obvious to one of ordinary skill in the art to provide the Peterson stabilizer brace with an extensible lift, as taught by Sombrowski, including an actuator connected between the ground engaging portion and the distal end of the vehicle, in order to automate a manual operation for the convenience of the operator.

It is respectfully submitted that a combination of the Peterson et al. and Sombrowski patents does not render the subject-matter of claims 1, 2, 4 and 5 obvious and hence unpatentable. In fact, as set out below, a combination of the two teachings would result in an entirely different apparatus from that which is claimed in the present application.

The Examiner states that it would be obvious to provide the "elevating member 30" of Peterson et al. with an extensible lift as taught by Sombrowski. However, there is absolutely no indication in Peterson et al. that such a modification would be desirable, nor does Peterson et al. disclose or suggest the proposed modification.

Peterson et al. explicitly teaches a device for supporting one end of a vehicle, wherein the one end is already in an elevated position. In this regard, the patent characterizes the invention as relating to "a self positioning device for supporting one end portion of a snowmobile in a [sic] elevated position" (column 1, lines 11 and 12). The so-called "elevating member" is explicitly not intended to elevate or lift the rear end

of the snowmobile, but rather to merely maintain the elevated position achieved by other means. As set out at column 3, lines 20 to 23 and 25 to 29:

The operator will raise the rear end portion of the snowmobile and upon releasing the elevating member, said member will swing down into an upright position underlying the snowmobile.

...

The rear end portion of the snowmobile is then raised momentarily by lifting the handle member 18, which can be done with the use of one hand at a time and the fasteners 36 and 36a are removed by the other hand.

As is abundantly clear from the disclosure, Peterson et al. teaches a stand for propping up the rear end of a snowmobile, not an "elevation mechanism" as that term is properly employed in the present application. When the rear end of the snowmobile is raised due to manual lifting by the operator in Peterson et al., the stand falls into a substantially vertical orientation; the rear end is then lowered, again manually by the operator, to allow the vertical stand to engage the ground surface and to support the rear end in an elevated position. Although the term "elevating" is employed throughout Peterson et al., the description of the Peterson et al device makes it undeniably clear that the stand is never intended to elevate the rear end of the snowmobile.

The Examiner states that it would be obvious to combine the teachings of Peterson et al. and Sombrowski "in order to automate a manual operation for the convenience of the operator." If such a combination were, in fact, seen to be desirable to achieve this end, this would not result in the claimed subject-matter in the present application. The manual elevating operation in Peterson et al. consists of lifting by hand of the rear end of the snowmobile, and allowing the stand to fall into place. If an attempt were made to automate this manual operation by employing the teaching of Sombrowski, the result would be using an hydraulic jack (as is taught by Sombrowski in connection with lifting an edge of a vehicle) to raise the back of the snowmobile, which would then allow the stand of Peterson et al. to fall into a vertical orientation to support the elevated rear end. The hydraulic jack would then be actuated in reverse to lower

the rear end of the snowmobile, allowing the stand to engage the ground surface. The hydraulic jack could then be stored on the snowmobile, as its functionality would no longer be required. Combining the two teachings, therefore, would not result in the claimed subject-matter of the present application, but would rather result in two devices attached to the snowmobile, a first device for elevating the rear end and a second device for propping the rear end up in the elevated position. There would be no need for the two devices to cooperate in any fashion, as they have distinct, exclusive functionality.

In contrast, the elevation mechanism according to the amended claims now presented is a device of unitary functionality, comprising a rotatably mounted (or mountable) stabilizer brace, and an extensible lift connected at its lower end to the stabilizer brace and connected (or connectable) at its upper end to the rear of the snowmobile. In the use position of the elevation mechanism, the extensible lift is in the extended condition such that the base member of the stabilizing brace engages the ground surface, while in the transport position the extensible lift is in the retracted condition such that the base member clears the ground surface. In other words, actuating the extensible lift to extend it results in the base member being forced into contact with the ground, thereby elevating the rear end of the snowmobile and providing the enhanced stability of the stabilizer brace, while actuating the extensible lift to retract it results in the base member being moved out of contact with the ground. At no point in Peterson et al. is such a result disclosed or even suggested as desirable, and the combination of the cited references with the motivation proposed by the Examiner would clearly not result in the claimed subject matter.

Although it is believed that these comments are sufficient to fully address the objection to claims 1, 2, 4 and 5 as currently on file, it is respectfully submitted that the amended claims 1 and 4 further clarify the distinction between the present invention and the cited references. By virtue of these amendments, it is made clear that (1) in the use position of the elevation mechanism, the extensible lift is in the extended condition *such that* the base member of the stabilizing brace engages the ground surface, and (2) while in the transport position of the elevation mechanism, the extensible lift is in the retracted condition *such that* the base member clears the ground surface. These are features

neither disclosed nor suggested by the cited references, and it is believed that claims 1, 2, 4 and 5 are now in condition for allowance.

Claim 5 has been amended only to correct a minor grammatical error, viz., an extra comma.

The Examiner has also stated that claims 3 and 6 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3 and 6 have been so rewritten, i.e., amended claims 3 and 6 are submitted wherein the only amendments thereto are the inclusion of all limitations of the respective base claims. Accordingly, claims 3 and 6 are now believed to be in condition for allowance.

Although claims 3 and 6 include the limitation of the extensible lift being a scissors jack, it is respectfully submitted that the present invention is broader than this. As is clearly set out in the present application, at paragraph 11:

The extensible lifting mechanism is preferably a scissors jack, due to strength and ease of use, and a manually operable variant of this is illustrated in the exemplary embodiment following. It is to be understood, however, that other types of lifting or jack mechanisms may be employed, for example the lifting mechanism could comprise two collapsible linkages powered by hydraulic or pneumatic means communicating with the connection between the linkages, with one of the linkages connected to the side of the snowmobile and the other connected to the stabilizer brace.

Because the specific type of extensible lift employed is not a necessary limitation of the invention, as is clear from the disclosure, amended claims 1, 2, 4 and 5 do not include such a limitation, referring only to an "extensible lift."

Allowance of the application in its present form is respectfully solicited.

**END REMARKS**

## **ATTACHMENT B**

### **Amendments to the Claims**

*This listing of claims will replace all prior versions, and listings, of claims in the application.*

1. (Currently Amended) An elevation mechanism for a snowmobile having a drive track at a rear end of the snowmobile for driving the snowmobile over a ground surface, the elevation mechanism having a transport position spaced above the ground surface and a use position supporting the rear end of the snowmobile with the drive track spaced above the ground surface, the elevation mechanism comprising:

a stabilizer brace comprising a ground-engaging base member and two spaced apart arms secured to and projecting from the base member;

a stabilizer brace mount for pivotally mounting the stabilizer brace arms on opposite sides of the snowmobile at a bracing mounting point spaced from the base member and spaced forwardly of the rear end of the snowmobile for pivotal movement of the brace between a transport condition extending rearwardly from the stabilizer brace mounting point and a use condition sloping downwardly to the rear of the snowmobile from the brace mounting point, the transport and use conditions corresponding to the transport and use positions respectively of the elevation mechanism;

an extensible lift having upper and lower ends with the lower end of the lift connected to the stabilizer brace at a lower attachment position spaced from the brace mounting position, the lift being selectively actuatable between extended use and retracted transport conditions corresponding to the transport and use positions respectively of the elevation mechanism; and

a lift mount for mounting the upper end of the lift on the rear end of the snowmobile at an upper attachment position rearwardly from the brace mounting position and rearwardly of the drive track;

whereby:

the lift is positioned rearwardly from the drive track;

in the use position of the elevation mechanism, the extensible lift is in the extended condition ~~and~~such that the base member of the stabilizing brace engages the ground surface; and

while in the transport position of the elevation mechanism, the extensible lift is in the retracted condition ~~and~~such that the base member clears the ground surface.

2. (Previously Presented) The elevation mechanism of Claim 1 wherein the stabilizer brace base member comprises a substantially straight ground engaging edge, and the two arms are substantially parallel members connected at rearward ends thereof by the base member, and the brace mount comprises two stabilizer brace mounts for pivotally mounting forward ends of the respective parallel members on opposite sides of the snowmobile.

3. (Currently Amended) ~~The elevation mechanism of Claim 1~~An elevation mechanism for a snowmobile having a drive track at a rear end of the snowmobile for driving the snowmobile over a ground surface, the elevation mechanism having a transport position spaced above the ground surface and a use position supporting the rear end of the snowmobile with the drive track spaced above the ground surface, the elevation mechanism comprising:

a stabilizer brace comprising a ground-engaging base member and two spaced apart arms secured to and projecting from the base member;

a stabilizer brace mount for pivotally mounting the stabilizer brace arms on opposite sides of the snowmobile at a bracing mounting point spaced from the base member and spaced forwardly of the rear end of the snowmobile for pivotal movement of the brace between a transport condition extending rearwardly from the stabilizer brace mounting point and a use condition sloping downwardly to the rear of the snowmobile from the brace mounting point, the transport and use conditions corresponding to the transport and use positions respectively of the elevation mechanism;

an extensible lift having upper and lower ends with the lower end of the lift connected to the stabilizer brace at a lower attachment position spaced from the brace

mounting position, the lift being selectively actuatable between extended use and retracted transport conditions corresponding to the transport and use positions respectively of the elevation mechanism; and

a lift mount for mounting the upper end of the lift on the rear end of the snowmobile at an upper attachment position rearwardly from the brace mounting position and rearwardly of the drive track;

whereby:

the lift is positioned rearwardly from the drive track;

in the use position of the elevation mechanism, the extensible lift is in the extended condition and the base member of the stabilizing brace engages the ground surface; and

while in the transport position of the elevation mechanism, the extensible lift is in the retracted condition and the base member clears the ground surface; and

wherein the extensible lift is a scissors jack.

4. (Currently Amended) In a snowmobile having a drive track at a rear end of the snowmobile for driving the snowmobile over a ground surface, an elevation mechanism for selectively supporting the drive track above the ground surface, the elevation mechanism comprising:

a stabilizer brace comprising a base member and two spaced apart arms secured to and projecting from the base member;

a stabilizer brace mount pivotally mounting the stabilizer brace arms on opposite sides of the snowmobile at a brace mounting point spaced from the base member and spaced forwardly of the rear end of the snowmobile for pivotal movement of the brace between a transport condition extending rearwardly from the stabilizer brace mounting point and a use condition sloping downwardly to the rear of the snowmobile from the brace mounting point, the transport and use conditions corresponding to the transport and use positions respectively of the elevation mechanism;

an extensible lift having upper and lower ends with the lower end of the lift connected to the stabilizer brace at a lower attachment position spaced from the brace mounting position, the lift being selectively actuatable between extended use and

retracted transport conditions corresponding to the transport and use positions respectively of the elevation mechanism; and

a lift mount mounting the upper end of the lift on the rear end of the snowmobile at a position spaced rearwardly from the brace mounting position and rearwardly of the drive track;

whereby:

in the use position of the elevation mechanism, the extensible lift is in the extended condition ~~and~~ such that the base member of the stabilizing brace engages the ground surface; and

while in the transport position of the elevation mechanism, the extensible lift is in the retracted condition ~~and~~ such that the base member clears the ground surface.

5. (Currently Amended) The invention of Claim 4 wherein the stabilizer brace base member comprises a substantially straight ground engaging edge, and the two arms are substantially parallel members connected at rearward ends thereof by the base member, and the brace mount comprises two stabilizer brace mounts pivotally mounting forward ends of the respective parallel members on opposite sides of the snowmobile.

6. (Currently Amended) ~~The invention of Claim 4~~ In a snowmobile having a drive track at a rear end of the snowmobile for driving the snowmobile over a ground surface, an elevation mechanism for selectively supporting the drive track above the ground surface, the elevation mechanism comprising:

a stabilizer brace comprising a base member and two spaced apart arms secured to and projecting from the base member;

a stabilizer brace mount pivotally mounting the stabilizer brace arms on opposite sides of the snowmobile at a brace mounting point spaced from the base member and spaced forwardly of the rear end of the snowmobile for pivotal movement of the brace between a transport condition extending rearwardly from the stabilizer brace mounting point and a use condition sloping downwardly to the rear of the snowmobile from the



brace mounting point, the transport and use conditions corresponding to the transport and use positions respectively of the elevation mechanism;

an extensible lift having upper and lower ends with the lower end of the lift connected to the stabilizer brace at a lower attachment position spaced from the brace mounting position, the lift being selectively actuatable between extended use and retracted transport conditions corresponding to the transport and use positions respectively of the elevation mechanism; and

a lift mount mounting the upper end of the lift on the rear end of the snowmobile at a position spaced rearwardly from the brace mounting position and rearwardly of the drive track;

whereby:

in the use position of the elevation mechanism, the extensible lift is in the extended condition and the base member of the stabilizing brace engages the ground surface; and

while in the transport position of the elevation mechanism, the extensible lift is in the retracted condition and the base member clears the ground surface; and  
wherein the extensible lift is a scissors jack.